UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

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| VOCALSPACE, LLC | § | |
| | § | |
| Plaintiff, | § | |
| | § | |
| v. | § | Civil Action No. 4:09-CV-00350 |
| | § | |
| DANIEL D. LORENSO and LARKSPARK CORPORATION, | § | |
| | § | |
| | § | |
| Defendant. | § | |

**DEFENDANT'S EMERGENCY MOTION TO EXTEND DEADLINE TO FILE SUR REPLY TO PLAINTIFFS MOTION FOR SUMMARY JUDGMENT ON PLAINITFF'S CLAIMS**

COMES NOW Defendants Daniel D. Lorenso and Larkspark Corporation and files this Emergency Motion to Extend the deadlines for Defendants Sur Reply to Plaintiff's Motion for Summary Judgment on Plaintiff's Claims, and in support thereof, respectfully show the following: Defendants have been diligently working on filing their sur reply to Plaintiffs Motion for Summary Judgment on Plaintiff's claims (Docket 101). The sur reply is taking more time due to the sheer amount of computer code that has to be analyzed and compared, and while at the time same Defendants are tackling with a motion for summary Judgment deadline of January 31, 2010 on Defendants motion for Summary Judgment on Invalidity of Copyright. There are also no less than 3 or 4 other motions that Plaintiff have recently filed in the past 10 days which Defendants attorney, a solo attorney, is having to respond to. Quite simply, the analyzing of thousand of line of code has proved more taxing that first expected, and Defendants were not able to file their sur reply by today's deadline of January 24, 2011. Defendants expect they will be in a position to file their sur reply no later than Thursday January 27, 2011 and request this court to extend their deadline to file their sur reply until Thursday January 27, 2011. No deadlines should be affected in this case by this request. This request is made in the interests of justice and is not made for delay.

Respectfully submitted,

/s/ Ernest P. Nycz
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ATTORNEY FOR DEFENDANTS

CERTIFICATE OF CONFERENCE

Defendants were not able to confer with opposing counsel before filing this motion to Extend, but will first thing in the morning of January 25, 2011 and will advise the court if this motion is unopposed.

Update: I certify that I had a telephone conversation with Opposing Counsel Neal Massand on January 26, 2010, and that he stated the Plaintiff's opposed the Defendants motion to extend. Therefore, this matter is submitted to the Court for a ruling.

/s/ Ernest P. Nycz
ERNEST P. NYCZ

CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2010 a true and correct copy of the foregoing Motion to Extend has been electronically filed on the CM/ECF system, and sent via email to

Neal Massand (opposing Counsel).

/s/ Ernest P. Nycz____________
ERNEST P. NYCZ